



# SIERRA CLUB

November 5, 2020

*Via electronic delivery*

The Honorable Jocelyn Boyd  
Chief Clerk/Executive Director  
The Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

**Re: Application of Dominion Energy South Carolina, Incorporated for Adjustment of Rates and Charges, Docket No. 2020-125-E  
Sierra Club's Response to Applicant's Motion in Limine to Exclude Testimony of Persons Associated with or Speaking on Behalf of Interveners Presenting Evidence as Public Witnesses at Night Hearings**

Dear Ms. Boyd,

On behalf of Robert Guild, please find enclosed for filing in the above-referenced case Sierra Club's Response to Applicant's Motion in Limine to Exclude Testimony of Persons Associated with or Speaking on Behalf of Interveners Presenting Evidence as Public Witnesses at Night Hearings. This response was filed today via the South Carolina Public Service Commission Case E-Filing System. As indicated on the Certificate of Service, I am serving all parties of record via electronic mail.

Please contact me with any questions.

Sincerely,

on behalf of

Robert Guild  
S.C. Bar No. 2358  
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Columbia, SC 29201  
(803) 916-5738  
bguild@mindspring.com

Enclosure

cc: Certificate of Service

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2020-125-E**

In re:

Application of Dominion Energy South  
Carolina, Incorporated for Adjustment of Rates  
and Charges (See Commission Order No.  
2020-313)

**SIERRA CLUB’S RESPONSE TO  
APPLICANT’S MOTION IN LIMINE  
TO EXCLUDE TESTIMONY OF  
PERSONS ASSOCIATED WITH OR  
SPEAKING ON BEHALF OF  
INTERVENORS PRESENTING  
EVIDENCE AS PUBLIC WITNESSES  
AT NIGHT HEARINGS**

Under R. 103-829 of the South Carolina Code of Regulations, the Sierra Club submits this response to Applicant, Dominion Energy South Carolina, Inc. (“DESC”), November 3, 2020, Motion in Limine to exclude testimony of persons associated with or speaking on behalf of Intervenor who might seek to present evidence as public witnesses at night hearings beginning on November 9, 2020.

While we agree with DESC that Intervenor should not be allowed to submit evidence through public witnesses at next week’s night hearings pursuant to S.C. Code Ann. § 58-3-140(D) and S.C. Code Ann. Regs. 103-845, DESC’s motion goes too far when it also seeks a prohibition against individuals providing testimony who are “associated” with an Intervenor. The term “associate” is a broad term encompassing “to join as a partner, friend or companion” and “having secondary or subordinate status” such as a “membership in a society.” Webster’s New Collegiate Dictionary, p.69 (1977).

Sierra Club has approximately 7,000 dues-paying members in the State of South Carolina, approximately half of which are DESC customers, which could be viewed as “associates.” Those DESC customers, who happen to be card-carrying members of the Sierra Club, should be allowed to provide testimony at next week’s night hearing as an individual DESC customer. All DESC customers have a right to provide comments and concerns to the South Carolina Public Service Commission on the impacts of a rate increase on them *personally*, not as an individual associated with or a member of an organization that is an Intervenor in this matter. *See* Order No. 2020-661; *see also* S.C. Code Ann. Regs. 103-827. Ratepayers should not be barred from speaking on their own behalf next week. I have advised the local South Carolina chapter that the Sierra Club is a party and therefore members cannot provide public comment “on behalf of the Club.”

For this reason, the Sierra Club respectfully requests that the Hearing Officer limit make DESC’s motion in limine to only those persons speaking on behalf of Intervenor in this matter and allow individual ratepayers to inform the Commission of their comments or concerns on the proposed rate increase and how it might impact them personally.

Respectfully submitted this 5th day of November, 2020.



on behalf of

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**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2020-125-E**

In re:

Application of Dominion Energy South  
 Carolina, Incorporated for Adjustment of Rates  
 and Charges (See Commission Order No.2020-  
 313)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the persons listed on the official service list for Docket No. 2020-125-E, listed below, a copy of the Sierra Club's Response to Applicant's Motion in Limine to Exclude Testimony of Persons Associated with or Speaking on Behalf of Interveners Presenting Evidence as Public Witnesses at Night Hearings, via electronic mail on this day, November 5, 2020.

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A handwritten signature in black ink, appearing to be 'R. Guild', written over a horizontal line.

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On behalf of Robert Guild